

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Case No. 1:18-96 MR- DLH

BRIAN HOGAN, both on his own behalf and as representative of all unnamed class members who are similarly situated; BRIAN HOGAN, as parent and next friend of H.H., both her own behalf and as representative of all unnamed class members who are similarly situated,

Plaintiffs,

vs.

CHEROKEE COUNTY; CHEROKEE COUNTY DEPARTMENT OF SOCIAL SERVICES; SCOTT LINDSAY both in his individual capacity and official capacity as attorney for Cherokee County Department of Social Services; CINDY PALMER, in both her individual capacity and her official capacity as Director of Cherokee County Department of Social Services; DSS SUPERVISOR DOE #1, et al.,

Defendants.

**NOTICE OF PARTIAL MOTION
TO DISMISS BY CHEROKEE
COUNTY, CHEROKEE COUNTY
DEPARTMENT OF SOCIAL
SERVICES, SCOTT LINDSAY IN
HIS OFFICIAL CAPACITY, AND
CINDY PALMER IN HER
OFFICIAL CAPACITY**

PLEASE TAKE NOTICE THAT Defendants Cherokee County, Cherokee County Department of Social Services, Scott Lindsay in his official capacity, and Cindy Palmer in her official capacity, hereby move for partial dismissal of the

Complaint herein for lack of personal jurisdiction under Federal Rule of Civil Procedure 12 (b)(2), and failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6).

This Motion is based upon the Court file, the records in this action, the accompanying brief in support of this Motion, the declaration of Candy Anderson and upon such additional evidence which may be presented at or before any hearing which may be set by the Court.

Respectfully submitted, this the 18th day of April, 2018.

s/Sean F. Perrin

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capacity*

CERTIFICATE OF SERVICE

This is to certify that on April 18, 2018, the undersigned filed the foregoing in the above-captioned via the CM/ECF system which will send notification as follows:

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This is to certify that on April 18, 2018, the undersigned mailed the foregoing via United States mail to:

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s/Sean F. Perrin